

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

OSSIE LEE SLAUGHTER,

Plaintiff,

v.

PAT GLEBE, et al.,

Defendants.

CASE NO. C15-5484 BHS-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 61), and Plaintiff Ossie Slaughter’s (“Slaughter”) objections to the R&R (Dkt. 66).

On August 7, 2015, Slaughter filed a prisoner civil rights complaint, alleging claims under the First, Fifth, Eighth, and Fourteenth Amendments. Dkt. 12 at 5–9. Although Slaughter did not file a motion for a preliminary injunction, Slaughter requested a preliminary injunction in his complaint to prevent him from being transferred to another prison. *Id.* at 8.

On October 8, 2015, Defendants moved to dismiss Slaughter’s complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Dkt. 44. On

1 December 9, 2015, Judge Creatura recommended denying Defendants' motion as to
2 Slaughter's First Amendment claim. Dkt. 61 at 14–17. Judge Creatura also
3 recommended granting Defendants' motion with regard to Slaughter's remaining claims,
4 but with leave to amend his Eighth Amendment claim and the personal participation of
5 certain individual defendants. *Id.* at 7–14. Finally, Judge Creatura recommended
6 denying Slaughter's request for preliminary injunctive relief as moot. *Id.* at 19–20.

7 On January 4, 2016, Slaughter filed objections to the R&R. Dkt. 66. On January
8 21, 2016, Defendants responded. Dkt. 69.

9 Federal Rule of Civil Procedure 72(b) governs objections to a magistrate judge's
10 recommended disposition. Rule 72(b) provides:

11 The district judge must determine de novo any part of the magistrate
12 judge's disposition that has been properly objected to. The district judge
13 may accept, reject, or modify the recommended disposition; receive further
14 evidence; or return the matter to the magistrate judge with instructions.

15 Fed. R. Civ. P. 72(b)(3).

16 In the R&R, Judge Creatura addressed whether Slaughter adequately stated a
17 claim for relief in his complaint. Although Slaughter objects to the R&R, Slaughter's
18 arguments and supporting exhibits relate to events outside of the operative complaint and
19 the R&R. Slaughter does not address Judge Creatura's analysis and conclusions
20 regarding the allegations in his complaint. As a result, Slaughter's objections do not
21 demonstrate that Judge Creatura's recommendations are in error.

22 Therefore, the Court having considered the R&R, Slaughter's objections, and the
remaining record, does hereby find and order as follows:

1 (1) The R&R is **ADOPTED**; and

2 (2) Slaughter is granted leave to amend his Eighth Amendment claim, and to
3 allege facts showing the personal participation of Randy Smith, Matthew Nelson, Charles
4 Jones, Richard Kautz, Josh Brule, William Nelson, Marcia McCormick, Daniel Davis,
5 Lisa Ross, Pam Perdue, Christine McRae, Jeffrey Smith, Kerri McTarsney, and Gregory
6 Jones. Slaughter shall file his amended complaint by March 18, 2016.

7 Dated this 23rd day of February, 2016.

8
9 

10 BENJAMIN H. SETTLE
United States District Judge